

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0121-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING PUBLICATION DATE

APR 21 '14 MAY 02 '14

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Transportation, Division of Right of Way and Land Surveys

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Determination of Excess Real Property		TITLE(S) 21	FIRST SECTION AFFECTED 1469	2. REQUESTED PUBLICATION DATE 5-2-2014
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Michael J. Rodrigues	TELEPHONE NUMBER (916) 654-3536	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S)	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Michael J. Rodrigues	TELEPHONE NUMBER (916) 654-3536	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) michael.rodrigues@dot.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Malcolm Dougherty, Caltrans Director

DATE

3-4-14

TITLE 21. PUBLIC WORKS
Division 2. Department of Transportation

NOTICE OF PROPOSED RULEMAKING

The Department of Transportation (Caltrans) proposes to adopt the Regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Caltrans has not scheduled a public hearing on this proposed action. However, Caltrans will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to Caltrans. Comments may also be submitted by facsimile (FAX) at (916) 654-6378, or by e-mail to michael.rodriguez@dot.ca.gov. The written comment period closes at 5:00 PM on June 16, 2014. Caltrans will consider only comments received by that time.

Please submit comments to:

Michael J. Rodrigues
Office Chief, Office of Real Property Services
Division of Right of Way and Land Surveys
California Department of Transportation
1120 N Street, MS-37
Sacramento, CA 95814
(916) 654-3536
michael.rodriguez@dot.ca.gov

AUTHORITY AND REFERENCE

Section 118.6 of the Streets & Highways Code requires Caltrans develop rules and regulations to determine which real property outside of calculated right of way lines is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. The proposed regulations will implement Streets & Highways Code Section 118.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Transportation (Caltrans) is responsible for constructing, operating, administering, and maintaining the State's highway system. Streets and Highways Code Section 118.6 requires that Caltrans adopt rules and regulations to determine which real property outside of calculated right of way lines is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. Prior Regulations which were added in 1973 were rescinded in 1981.

This rulemaking action provides the regulatory process to be used by Caltrans to identify properties no longer required for current or planned state highway purposes. The Regulations proposed in this rulemaking action will:

Section 1469 – Define the purpose and scope of the proposed Regulations.

Section 1470 – Define the Transportation Design Standard for the engineering design of transportation projects as the standard to be used by Caltrans to identify property that is outside calculated right of way lines.

Section 1471 – Provides definitions of terms used in the proposed Regulations.

Section 1472 – Sets forth the criteria for determining necessity of property for state highway purposes.

Section 1473 – Makes specific the usage of a database inventory of all potential excess land.

Section 1474 – Allows Caltrans to redesignate potential excess real property or excess real property if found to be needed for state highway use.

The adoption of the proposed Regulations will increase the openness and transparency in government regarding the determination by Caltrans when its property is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. Adoption of the proposed Regulations will not affect: 1) the protection of public health and safety, worker safety, or the environment; 2) the prevention of discrimination; 3) the promotion of fairness or social equity; or 4) the increase in openness and transparency in business.

Caltrans has conducted a search for any other regulations that deal with identifying properties no longer needed for current or planned highway purposes and has concluded that these are the only regulations on this subject. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

EFFECT OF THE PROPOSED REGULATIONS

The proposed Regulations will codify existing policy and procedure Caltrans currently uses to determine which properties are no longer needed for current or future state transportation projects. Adoption of these Regulations will not require any changes to existing policy and procedure.

DISCLOSURES REGARDING THE PROPOSED ACTION

Caltrans has made the following initial determinations:

- The proposed Regulations will not impose a mandate on local agencies or school districts.
- The proposed Regulations will not result in cost or savings to any state agency.
- The proposed Regulations will not impose a cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.
- The proposed Regulations will not result in other nondiscretionary cost or savings imposed on local agencies.
- The proposed Regulations will not result in cost or savings in federal funding to the state.
- Caltrans has made an initial determination that the adoption of the proposed Regulations will not have a significant, statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Caltrans is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Result of Economic Impact Assessment made pursuant to Government Code section 11346.3(b):

Adoption of these Regulations:

1. Will not create or eliminate jobs within California;
 2. Will not create new businesses or eliminate existing businesses within California;
 3. May affect the expansion of businesses currently doing business within California by providing increased opportunities for real estate-related businesses;
 4. Will positively affect the health and welfare of California residents by increasing openness and transparency in government through the codification in the California Code of Regulations the policies and procedures Caltrans uses in determining properties no longer needed for state transportation projects.
- The proposed Regulations will not have a significant effect on housing costs.
 - The proposed Regulations may affect small business.

These Regulations are intended for the use of Caltrans only as required by Streets and Highways Code section 118.6, and will not have any effect on the above.

CALTRANS TO CONSIDER REASONABLE ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Caltrans must determine that no reasonable alternative considered by Caltrans, or that has otherwise been identified and brought to the attention of Caltrans, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Michael J. Rodrigues, Office Chief
Office of Real Property Services
Division of Right of Way and Land Surveys
California Department of Transportation
1120 N Street MS 37
Sacramento, CA 95814
(916)654-3536 (office)
michael.rodrigues@dot.ca.gov
Alternate contact person:

Steven M. Ikeda
Office of Real Property Services
Division of Right of Way and Land Surveys
California Department of Transportation
1120 N Street MS 37
Sacramento, CA 95814
(916) 654-7244 (office)
steve.ikeda@dot.ca.gov

Please direct requests for copies of the proposed text of the Regulations, the Initial Statement of Reasons, the modified text of the Regulations, if any, or other information upon which the rulemaking is based to Mr. Rodrigues at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

Caltrans will have the entire Rulemaking File available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. As of the date this Notice is published in the Notice Register, the Rulemaking File consists of this Notice, the proposed text of the Regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Mr. Rodrigues at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Caltrans may adopt the proposed Regulations as described in this Notice. If Caltrans makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before Caltrans adopts the Regulations as revised. Please send requests for copies of any modified regulations to the attention of Mr. Rodrigues at the address identified above. Caltrans will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Rodrigues at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the Regulations – in underline and strikèout if applicable – can be accessed through Caltrans' website at: <http://www.dot.ca.gov/regulations.htm>.

INITIAL STATEMENT OF REASONS

REASONS FOR PROPOSING THE ADOPTION OF THE REGULATION

The California Department of Transportation (Caltrans) is responsible for constructing, operating, administering, and maintaining the State's highway system. Streets and Highways Code Section 118.6 requires that Caltrans adopt rules and regulations to determine which real property outside of calculated right of way lines is no longer needed or used for highway or other public purposes, and which is available for sale or exchange. Prior Regulations which were added in 1973, were rescinded in 1981.

SPECIFIC PURPOSE OF THE PROPOSED REGULATIONS

Adopting the regulations will provide the regulatory framework for Caltrans to identify properties no longer required for current or planned state highway purposes. The following regulations will:

Section 1469 – Define the purpose and scope of the proposed Regulations.

Section 1470 – Define the Transportation Design Standard for the engineering design of transportation projects.

Section 1471 – Provides definitions of terms used in the proposed Regulations.

Section 1472 – Sets forth the criteria for determining necessity of property for state highway purposes.

Section 1473 – Requires that Caltrans maintain a database inventory of all potential excess land.

Section 1474 – Allows Caltrans to redesignate potential excess real property or excess real property if found to be needed for state highway use.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Caltrans did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these Regulations.

**REASONABLE ALTERNATIVE TO THE REGULATIONS AND THE AGENCY'S
REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were considered by Caltrans.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION
THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The proposed Regulations do not impact small businesses.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The identification and sale of surplus property is limited in scope to Caltrans-owned properties acquired for transportation projects statewide, and the proposed Regulations are procedural in effect to Caltrans only and do not impact small business.

TITLE 21 PUBLIC WORKS
DIVISION 2. DEPARTMENT OF TRANSPORTATION
CHAPTER 9. EXCESS REAL PROPERTY

§ 1469 Purpose and Scope

The Department of Transportation is required, to the greatest extent possible, to offer to sell or exchange excess real property within one year from the date the real property is determined to be excess. The regulations set forth herein identify the procedures the Department uses to determine real property to be excess.

Authority cited: Streets and Highways Code, Section 118.6

Reference cited: Streets and Highways Code, Section 118.6

§ 1470 Transportation Design Standard

The Department shall design transportation projects pursuant to Title 23, Code of Federal Regulations, Part 625

Authority cited: Title 23, Code of Federal Regulations, Part 625

Reference cited: Title 23, Code of Federal Regulations, Part 625

§ 1471 Definition of Terms

“Excess real property” and “excess land” mean land and improvements situated outside of calculated highway right-of-way lines not needed or used for a state highway purpose and available for lease, sale, or exchange as allowed by law and determined in accordance with the Transportation Design Standard.

“Potential excess real property” means land and improvements situated outside of calculated highway right-of-way lines that may not be needed or used for a state highway purpose.

“Functional Units” include, but are not limited to, those organizational units within the Department that have primary responsibility for the following activities: acquisition, relocation assistance, property management, utilities, park and ride, environmental, planning, project development, and maintenance.

Authority cited: Streets and Highways Code, Section 118.6

Reference cited: Streets and Highways Code, Section 118.6

§ 1472 Excess Land Determination

The Department will initiate a comprehensive review of all potential excess real property at least annually to determine which properties may no longer be needed for State highway purposes. Potential excess real property cleared by the Department's functional units and approved by the District Director, who has oversight of the subject property, is considered excess land. The Districts will report annually to Headquarters Right of Way all results of the comprehensive review.

Authority Cited: Streets and Highways Code, Section 118.6

Reference Cited: California Government Code, Section 11011.18

§ 1473 Potential Excess Land Database

The Department shall maintain a computer-generated database inventory of all potential excess land that is continuously updated as new data becomes available.

Authority Cited: Streets and Highways Code, Section 118.6

Reference Cited: Streets and Highways Code, Section 118.6

§ 1474 Property Determined to be Potential Excess or Excess can be Redesignated

Any property listed as potential excess or excess real property can be redesignated should such property be found to be needed for a state highway purpose subsequent to its designation.

Authority cited: Streets and Highways Code, Section 118.6

Reference cited: Streets and Highways Code, Section 118.6

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME Department of Transportation	CONTACT PERSON Michael J. Rodrigues	TELEPHONE NUMBER (916) 654-3536
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Determination of Excess Land		NOTICE FILE NUMBER Z

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|---|--|
| <input type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) The proposed regulations have no economic impact or requirements on any private sector businesses.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____ Describe the types of businesses (include nonprofits.): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas.): _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☒ No If yes, explain briefly: _____**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0.00

- | | | |
|--|--------------------------------|--------------|
| a. Initial costs for a small business: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| b. Initial costs for a typical business: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| c. Initial costs for an individual: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| d. Describe other economic costs that may occur: _____ | | |

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping; reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ _____

4. Will this regulation directly impact housing costs? ☐ Yes ☒ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☒ No Explain the need for State regulation given the existence or absence of Federal regulations: The regulations are required by Streets & Highways Code Section 118.6.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: California residents will benefit from the regulations as they provide the criteria to determine and identify excess real property which is mandated by statute. By selling the excess real property, said property will go back on the tax roles for the cities and counties where it is located.

2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority? Explain: Streets & Highways Code Section 118.6 requires these regulations.

3. What are the total statewide benefits from this regulation over its lifetime? \$ unknown

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No alternatives were considered because these regulations are required by statute.

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☒ No Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☒ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: \$ 0.00 Cost-effectiveness ratio: \$ 0.00

Alternative 1: \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: \$ _____ Cost-effectiveness ratio: \$ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)

☐ 2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in _____

☐ b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____

☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)

☐ d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;

☐ e. will be fully financed from the _____ authorized by Section
(FEES, REVENUE, ETC.)
_____ of the _____ Code;

☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Savings of approximately \$ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

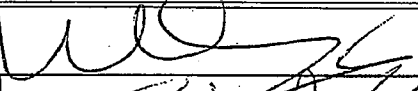
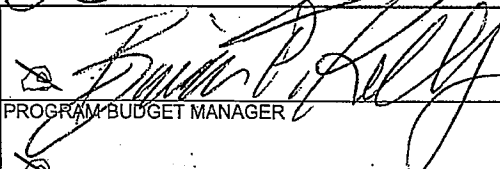
- ☒ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☐ 4. Other.

FISCAL OFFICER SIGNATURE		DATE	2/24/2014
AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE		DATE	4/1/14
DEPARTMENT OF FINANCE ² APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	DATE	

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
2. Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.